

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

VU TRAN,	§	
Individually and on behalf of all others	§	
Similarly situated,	§	
Plaintiffs,	§	No. 4:17-cv-03588
-against-	§	
	§	
KEANE FRAC TX, LLC; KEANE FRAC	§	
ND, LLC; KEANE FRAC GP, LLC;	§	
KEANE FRAC, LP, KEANE GROUP, LLC;	§	
and KEANE GROUP HOLDINGS, LLC,	§	
	§	
Defendants.	§	

**ORDER GRANTING IN PART PLAINTIFF’S MOTION FOR CLASS
CERTIFICATION AND EXPEDITED DISCOVERY**

Before the Court is Plaintiff’s Motion for Class Certification and Expedited Discovery. This Court finds that Plaintiff has presented sufficient evidence to warrant conditional certification of a collective action with respect to Keane Frac, LP’s (“Defendant,” or “Keane”) sand haulers and fleet drivers who were based out of the following Keane facilities: 8200 E. IH-20, Odessa, Texas 79766 (The “Odessa Location”) and 354 West Bradshaw, Springtown, Texas 76082 (the “Springtown Location”) from [TBD] to present. This Court further finds that there is insufficient evidence to warrant conditional certification of a collective action with respect to Keane’s “drivers.” It is therefore ORDERED that Plaintiff’s Motion for Certification is hereby GRANTED in part and DENIED in part.

It is further ORDERED, ADJUDGED AND DECREED that the Court conditionally certifies a class of current and former employees that is described as follows and referred to herein as the “Putative Class Members:”

All current and former sand haulers and fleet drivers employed by Keane Frac, LP during the last three years preceding the date of this Order at the following locations: 8200 E. IH-20, Odessa, Texas 79766 and 354 West Bradshaw, Springtown, Texas 76082.

This Court also finds that the Plaintiff's Proposed Notice (Dkt. 22-6) is, in part, misleading and inappropriate. It is therefore further ORDERED, ADJUDGED AND DECREED that Keane's Proposed Notice (Dkt. 41) is conditionally approved, subject to Keane's insertion of the appropriate dates.

Plaintiff's Counsel shall send the Notice and Notice of Consent to the Putative Class Members within fourteen (14) days after Defendant provides the Putative Class Members to Plaintiff's counsel. The Court authorizes Plaintiff to immediately issue the Notice and Notice of Consent to those individuals whose names Defendants provide as required by this Order. Plaintiff may include with the Notice and Notice of Consent a self-addressed, postage paid return envelope. Plaintiff shall bear the cost of issuing the Notice and Consent forms. In the event that contact by the name and last known address is unsuccessful, then and only then shall Defendants produce the email addresses (if known) of those Putative Class Members for whom initial contact was unsuccessful. Plaintiff may then send the Notice and Notice of Consent to those Putative Class Members, if any, by email. Plaintiff is authorized to send only one reminder notice which may not be sent prior to thirty (30) days of the date of initial mailing. Plaintiff's request for telephone numbers, social security numbers, and a description of the nature of employment is DENIED. Plaintiff's request for any contact information in a hard copy is DENIED.

The Putative Class Members shall be provided sixty (60) days after the date the Notice and Consent forms are mailed (the "Opt-In Period") to file a Notice of Consent. Plaintiff shall inform opposing counsel as to the date on which the Notice and Notice of Consent forms were

mailed to the Putative Class Members and shall provide opposing counsel with a copy of the Notice and Notice of Consent. Plaintiff's counsel shall file each Notice of Consent with the Court.

SO ORDERED.

SIGNED THIS _____ day of _____, 2018.

Robert A. Junell
Senior U.S. District Judge
Western District of Texas